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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 LOANITA ADAMS,

9 Plaintiff,

10 v.

11 CITY OF FEDERAL WAY, *et al.*,

12 Defendants.
13

No. C11-0995RSL

ORDER GRANTING DEFENDANTS
SCHMIDT'S AND SANT'S MOTION
TO DISMISS

14 This matter comes before the Court on “Defendant Officers Schmidt’s and Sant’s
15 Motion to Dismiss Federal Claims.” Dkt. # 78. Plaintiff alleges that the officers were
16 dispatched to her residence to investigate an altercation between plaintiff and her daughter. The
17 officers, after observing the injuries to both parties and questioning the participants and a third-
18 party witness, arrested plaintiff. Plaintiff asserts claims of negligent investigation, false arrest,
19 and unlawful detainment. In her response memorandum, plaintiff argues that the officers should
20 have realized that the eye witness was inebriated and/or should have understood that plaintiff
21 was simply “trying to maintain her title (As a Authoritative Parenting Style) in discipline to
22 which had gotten out of control with physical violence” Dkt. # 84 at 4.¹


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24 ¹ In her sur-replies, plaintiff states that she has a “theory on retaliation after filing a complaint.”
25 Dkt. # 89. See also Dkt. # 91 at 4. Even if plaintiff could assert a due process claim arising out of
26 conduct that is clearly governed by the Fourth Amendment, she has not alleged any facts suggesting that
Officers Schmidt and Sant were aware of or motivated by her prior complaint.

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1 The Court construes plaintiff's various claims as an assertion that the officers
2 lacked probable cause to arrest her in violation of the Fourth Amendment. Nevertheless, the
3 allegations of the complaint fail to state a claim under 42 U.S.C. § 1983. Plaintiff does not
4 dispute that she assaulted her daughter, but suggests that she was privileged to do so, either
5 because she was within her rights as a parent or because she was acting in self defense. Based
6 on her own admissions and their investigation at the scene, the officers could reasonably
7 conclude that "there was a fair probability that [plaintiff] had committed a crime." Hart v. Parks,
8 450 F.3d 1059, 1066 (9th Cir. 2006). Officers responding to a 911 call are not tasked with
9 determining whether plaintiff would ultimately be able to prove her innocence or a defense to
10 the charge. Because probable cause existed to arrest plaintiff, she cannot establish her Fourth
11 Amendment claim(s).

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13 For all of the foregoing reasons, Officers Schmidt's and Sant's motion to dismiss
14 is GRANTED. Plaintiff's claims against the officers are hereby DISMISSED with prejudice.

15 Dated this 7th day of May, 2012.

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17 Robert S. Lasnik
18 United States District Judge
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